## Case 01-01139-AMC Doc 8906-1 Filed 07/01/05 Page 2 of 25

## IN THE UNITED STATES BANKRUPTCY COURT

F	OR THE NORTHE	RN DIS	TRICT OF I	LLINOIS
In re:		)	Chapter 11	
W. R. GRACE & CO., 6	<u>et al</u> .	)	Case No.	MISC USBC for D.DE 01-01139 (JKF)
D	ebtors.	)	(Jointly Ad	ministered)
			SUBPOENA	FOR RULE 30(b)(6) DEPOSITION
TO: Northwest Commun 800 West Centra Arlington Height	l Road			
Procedure, to appear at the place Community Hospital: (i)	, date, and time specified be retained the law firm of Spe cases; or (ii) otherwise auth	elow for the eights & R prized the	ne purpose of test unyan to represe to law firm of Spe	b)(6), and 45 of the Federal Rules of Civil tifying as to whether Northwest nt Northwest Community Hospital in ights & Runyan to file a proof of claim on y cases.
PLACE OF TESTIMONY:				DATE AND TIME:
Law Offices of Kirkland 200 East Randolph Drive				June 30, 2005 at 2:00 p.m.
X YOU ARE COMMANDED, I the witness bring copies of the for related to privileged attorney-clie	ollowing documents or object	cts to the a	above-referenced	Rules of Civil Procedure, to produce and have deposition (PLEASE NOTE that documents
(1) Any documents reviewed, aft place pursuant to this Subpoena.	er receipt of this Subpoena,	, for purpo	ses of preparing	the witness for the deposition that is to take
(2) Any documents related to the otherwise representing Northw				e purpose of filing a proof of claim or led bankruptcy cases.
(3) Any documents that support captioned bankruptcy cases.	or otherwise relate to any pr	oofs of cla	aim that Northwe	est Community Hospital filed in the above-
(4) Any and all other documents	upon which the witness wil	l rely for l	nis or her testimo	ny.
PLACE:	0.011.17.0			DATE AND TIME
Law Offices of Kirkland 200 East Randolph Drive				June 30, 2005 at 2:00 p.m.:
directors, or managing agents, or matters on which the person will	other persons who consent testify. Federal Rules of C	to testify	on its behalf, and	In shall designate one or more officers, a may set forth, for each person designated, the
SCOTTA E. McFARLAND 919 North Market Street, 16	_	9899-870	95; (302) 652-4	100
ISSUING OFFICER'S NAME, ADD	RESS AND PHONE NUMBE	R		

PROOF (	OF SERVICE
SERVED: ( L) -O)	PLACE 800 W. (Outle)
SERVED ON (PRINT NAME)	MANNER OF SERVICE
Kavla Ford	Revioually
SERVED BY (PRINT NAME)	TITLE
John Wighton	protect Town
DECLARATI	ON OF SERVER
I declare under penalty of perjury under the laws of contained in the Proof of Service is true and correct.  Executed on  DATE	of the United States of America that the foregoing information  SIGNATURE OF SERVER  ADDRESS OF SERVER
Rule 45, Federal Rules of Civil Procedures, Parts C & D:	

#### (c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

- (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.
- (2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.
- (B) Subject to paragraph (d) (s) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to comply production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.
- (3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it
- (i) fails to allow reasonable time for compliance, (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c) (3) (B) (iii) of this rule, such a person may in order to attend

Trial be commanded to travel from any such place within the state in which the trial is held, or

- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or (iv) subjects a person to undue burden.
  - (B) If a subpoena
- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
- (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in who behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

- (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.
- (2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Case 01-01139-AMC Doc 8906-1 Filed 07/01/05 Page 5 of 25

## IN THE UNITED STATES BANKRUPTCY COURT

## FOR THE DISTRICT OF MASSACHUSETTS

TOR THE DIS	INICI OF I	MASSACITO	OL119
In re:	)	Chapter 11	
W. R. GRACE & CO., <u>et al</u> .	)	Case No.	MISC USBC for D.DE 01-01139 (JKF)
Debtors.	)	(Jointly Adı	ministered)
TO: The Harvard Vanguard Medical Ass		nagement Of	Newton, MA 02466
Procedure, to appear at the place, date, and time speci Vanguard Medical Associates Managem The Harvard Vanguard Medical Associa (ii) otherwise authorized the law firm of Speights & R Associates Management Offices's behalf in	fied below for the cent Offices: tes Manager tunyan to file a p	he purpose of test (i) retained the la ment Offices proof of claim on	b)(6), and 45 of the Federal Rules of Civil ifying as to whether The Harvard w firm of Speights & Runyan to represent in the above-captioned bankruptcy cases; or The Harvard Vanguard Medical
PLACE OF TESTIMONY: The Harvard Vanguard Medical Associa Riverside Center, 275 Grove Street, New	tes Manager	ment Offices	DATE AND TIME:  July 8, 2005 at 2:00 p.m.
X YOU ARE COMMANDED, pursuant to Rules 26, the witness bring copies of the following documents o related to privileged attorney-client advice, if any, are	or objects to the	above-referenced	ules of Civil Procedure, to produce and have deposition (PLEASE NOTE that documents
(1) Any documents reviewed, after receipt of this Subplace pursuant to this Subpoena.	poena, for purpo	oses of preparing t	the witness for the deposition that is to take
(2) Any documents related to the retention of the law to otherwise representing The Harvard Vanguard bankruptcy cases.			
(3) Any documents that support or otherwise relate to Management Offices filed in the above-captioned bank		aim that the Harv	ard Vanguard Medical Associates
(4) Any and all other documents upon which the witne	ess will rely for	his or her testimo	ny.
PLACE: The Harvard Vanguard Medical Associa Riverside Center, 275 Grove Street, New	_		DATE AND TIME:  July 8, 2005 at 2:00 p.m.
Any organization not a party to this suit that is subpoed directors, or managing agents, or other persons who comatted on which the person will testify. Federal Rule	onsent to testify s of Civil Proceed	on its behalf, and dure, 30(b)(6).	n shall designate one or more officers, may set forth, for each person designated, the
SCOTTA E. McFARLAND 919 North Market Street, 16 <sup>th</sup> Flr, Wilmington,	DE 19899-870		DATE /
ISSUING OFFICER'S NAME, ADDRESS AND PHONE N	UMBER		

PROO	F OF SERVICE		
June 22, 2005 SERVED: at 2:00 PM	PLACE Harvard Vanguard Medical Assoc. Riverside Center, 275 Grove Stree Newton, MA 02466		
SERVED ON (PRINT NAME)	MANNER OF SERVICE		
Donna Taverna Riopel who accepted for Atty Kim Nelson	In Hand		
SERVED BY (PRINT NAME)	TITLE		
James A. Carey	Constable		

## **DECLARATION OF SERVER**

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on June 22, 2005

1004 Pheasant Lan

ADDRESS OF SERVER

HOWATURE OF SERVER

Middleboro, MA 02346

Rule 45, Federal Rules of Civil Procedures, Parts C & D:

#### (c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

- (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.
- (2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.
- (B) Subject to paragraph (d) (s) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to comply production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.
- (3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it
- (i) fails to allow reasonable time for compliance, (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c) (3) (B) (iii) of this rule, such a person may in order to attend

Trial be commanded to travel from any such place within the state in which the trial is held, or

- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or (iv) subjects a person to undue burden.
  - (B) If a subpoena
- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
- (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in who behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

- (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.
- (2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

## Case 01-01139-AMC Doc 8906-1 Filed 07/01/05 Page 8 of 25

## IN THE UNITED STATES BANKRUPTCY COURT

## FOR THE DISTRICT OF SOUTH CAROLINA

In re:	) Chapter 11
W. R. GRACE & CO., et al.	) Case No. MISC USBC for D.DE 01-01139 (JKF)
Debtors.	) (Jointly Administered)
	SUBPOENA FOR RULE 30(b)(6) DEPOSITION
TO: Byars Machine Co. 167 Byers Road Laurens, SC 29360	
X YOU ARE COMMANDED to designate a representative	e, pursuant to Rules 26, 30(b)(6), and 45 of the Federal Rules of Civil
Procedure, to appear at the place, date, and time specified be	elow for the purpose of testifying as to whether Byars Machine Co.:
• •	Byars Machine Co. in the above-captioned bankruptcy cases; or (ii)
otherwise authorized the law firm of Speights & Runyan to referenced bankruptcy cases.	file a proof of claim on Byars Machine Co.'s behalf in the above-
PLACE OF TESTIMONY:	DATE AND TIME:
Byars Machine Co.	Intr. 7, 2005 at 2,00 m m
167 Byars Road, Laurens, SC 29360	July 7, 2005 at 2:00 p.m.
the witness bring copies of the following documents or object related to privileged attorney-client advice, if any, are not be	(6), and 45 of the Federal Rules of Civil Procedure, to produce and have exts to the above-referenced deposition (PLEASE NOTE that documents eing requested):  a, for purposes of preparing the witness for the deposition that is to take
(2) Any documents related to the retention of the law firm of otherwise representing Byars Machine Co. in the above	f Speights & Runyan for the purpose of filing a proof of claim or ve-captioned bankruptcy cases.
(3) Any documents that support or otherwise relate to any probankruptcy cases.	roofs of claim that Byars Machine Co. filed in the above-captioned
(4) Any and all other documents upon which the witness wil	ll rely for his or her testimony.
PLACE:	DATE AND TIME:
Byars Machine Co.	I 1 7 2007 + 2 00
167 Byars Road, Laurens, SC 29360	July 7, 2005 at 2:00 p.m.
directors, or managing agents, or other persons who consent matters on which the person will testify. Federal Rules of C	(a/20/2005
ISSUING OFFICER'S SIGNATURE AND TITLE (DE	Ban No. 4184) DATE
SCOTTA E. McFARLAND 919 North Market Street, 16 <sup>th</sup> Flr, Wilmington, DE 1	•
ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER	ER

(See Rule 45, Federal Rules of Civil Procedure, Parts C & D on next page)

	FSERVICE
DATE (Q 22/05 1):10AM	n Place 167 Byers Rd. Lauvens, Sc 2936
SERVED: MIKE SENE SERVED ON (PRINT NAME)	OV DUYAL OS VICE PRESIDENT MANNER OF SERVICE
SERVED BY (PRINT NAME)	Process Server
DECLARATIO	N OF SERVER
I declare under penalty of perjury under the laws of contained in the Proof of Service is true and correct.  Executed on	the United States of America hat the foregoing information  SIGNATURE OF SERVER
DATE	SERVE-ONE, INC
	ADDRESS OF SERVER 2 Pettigru Street
	Greenville, SC 29601
Rule 45, Federal Rules of Civil Procedures, Parts C & D:	(864) 235-7766
(c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.  (1) A party or an attorney responsible for the issuance and service of a	Trial be commanded to travel from any such place within the state in which the trial is held, or
subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.	(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or (iv) subjects a person to undue burden.
•	(B) If a subpoena
(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.	(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and
(B) Subject to paragraph (d) (s) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of	resulting from the expert's study made not at the request of any party, or  (iii) requires a person who is not a party or an officer of a party to

- subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to comply production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.
- (3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it
- (i) fails to allow reasonable time for compliance, (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c) (3) (B) (iii) of this rule, such a person may in order to attend
- court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in who behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

- (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.
- (2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Case 01-01139-AMC Doc 8906-1 Filed 07/01/05 Page 11 of 25

### IN THE UNITED STATES BANKRUPTCY COURT

## FOR THE NORTHERN DISTRICT OF ILLINOIS

)	Chapter 11	
)	Case No.	MISC USBC for D.DE 01-01139 (JKF))
)	(Jointly Ad	ministered)
	SUBPOENA	FOR RULE 30(b)(6) DEPOSITION
	·	
	) ) ) )	) Case No. ) (Jointly Ad

YOU ARE COMMANDED to designate a representative, pursuant to Rules 26, 30(b)(6), and 45 of the Federal Rules of Civil Procedure, to appear at the place, date, and time specified below for the purpose of testifying as to whether American Medical Association: (i) retained the law firm of Speights & Runyan to represent American Medical Association in the above-captioned bankruptcy cases; or (ii) otherwise authorized the law firm of Speights & Runyan to file a proof of claim on American Medical Association's behalf in the above-referenced bankruptcy cases.

PLACE OF TESTIMONY:

DATE AND TIME:

The Offices of Kirkland & Ellis LLP 200 East Randolph Drive, Chicago, IL 60601

July 1, 2005 at 9:00 a.m.

X YOU ARE COMMANDED, pursuant to Rules 26, 30(b)(6), and 45 of the Federal Rules of Civil Procedure, to produce and have the witness bring copies of the following documents or objects to the above-referenced deposition (PLEASE NOTE that documents related to privileged attorney-client advice, if any, are not being requested):

- (1) Any documents reviewed, after receipt of this Subpoena, for purposes of preparing the witness for the deposition that is to take place pursuant to this Subpoena.
- (2) Any documents related to the retention of the law firm of Speights & Runyan for the purpose of filing a proof of claim or otherwise representing American Medical Association in the above-captioned bankruptcy cases.
- (3) Any documents that support or otherwise relate to any proofs of claim that American Medical Association filed in the above-captioned bankruptcy cases.
- (4) Any documents that support or otherwise relate to any proofs of claim that Northwest Community Hospital filed in the above-captioned bankruptcy cases. Any and all other documents upon which the witness will rely for his or her testimony.

PLACE:

DATE AND TIME:

The Offices of Kirkland & Ellis LLP 200 East Randolph Drive, Chicago, IL 60601

July 1, 2005 at 9:00 a.m.

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

IS UING OFFICER'S SIGNATURE AND TITLE	DATE
Scotto E. M. Gard (No. Ray N. died)	11-11
SCOTTA E. McFARLAND	612012005
919 North Market Street, 16th Flr. Wilmington, DE 19899-8705: (302) 652-4100	, , ,

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

PROOF OF	SERVICE
SERVED: 6-27-07	PLACE SISM STATC
SERVED ON (PRINT NAME)	MANNER OF SERVICE
Leonard Wellon	Personally
SERVED BY (PRINT NAME)	TITLE
Toly Chipaton	Juveli Torre
DECLARATIO	N OF SERVER
I declare under penalty of perjury under the laws of contained in the Proof of Service is true and correct.	the United States of America that the foregoing information
Executed on DATE	SIGNATURE OF SERVER
·	ADDRESS OF SERVER

Rule 45, Federal Rules of Civil Procedures, Parts C & D:

## (c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

- (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.
- (2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.
- (B) Subject to paragraph (d) (s) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to comply production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.
- (3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it
- (i) fails to allow reasonable time for compliance, (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c) (3) (B) (iii) of this rule, such a person may in order to attend

Trial be commanded to travel from any such place within the state in which the trial is held, or

- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or (iv) subjects a person to undue burden.
  - (B) If a subpoena
- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in who behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom

the subpoena is addressed will be reasonably compensated, the court may

#### (d) DUTIES IN RESPONDING TO SUBPOENA

order appearance or production only upon specified conditions.

- (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.
- (2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

Case 01-01139-AMC Doc 8906-1 Filed 07/01/05 Page 14 of 25

## IN THE UNITED STATES BANKRUPTCY COURT

## FOR THE WESTERN DISTRICT OF WISCONSIN

FOR THE WESTERN	ע ז כות ו	CI OF WI	CONSIN
In re:	)	Chapter 11	
W. R. GRACE & CO., et al.	)	Case No.	MISC USBC for D.DE 01-01139 (JKF)
Debtors.	)	(Jointly Ad	ministered)
		SUBPOENA	FOR RULE 30(b)(6) DEPOSITION
TO: Employers Insurance Company of Waus 2000 Westwood Drive Wausau, WI 54401	sau		
YOU ARE COMMANDED to designate a representative Procedure, to appear at the place, date, and time specified be Insurance Company of Wausau: (i) retained the I Company of Wausau in the above-captioned bankrup to file a proof of claim on Employers Insurance Concases.	elow for that aw firm of ptcy cases;	ne purpose of test Speights & Rung or (ii) otherwise	ifying as to whether Employers yan to represent Employers Insurance authorized the law firm of Speights & Runyan
PLACE OF TESTIMONY: Employers Insurance Company of Wausau 2000 Westwood Drive, Wausau, WI 54401			DATE AND TIME:  July 5, 2005 at 2:00 p.m.
X YOU ARE COMMANDED, pursuant to Rules 26, 30(b) the witness bring copies of the following documents or object related to privileged attorney-client advice, if any, are not be	ects to the	above-referenced	
(1) Any documents reviewed, after receipt of this Subpoena place pursuant to this Subpoena.	a, for purpo	oses of preparing	the witness for the deposition that is to take
(2) Any documents related to the retention of the law firm of otherwise representing Employers Insurance Comp		-	
(3) Any documents that support or otherwise relate to any p above-captioned bankruptcy cases.	proofs of cl	aim that Employ	ers Insurance Company of Wausau filed in the
(4) Any and all other documents upon which the witness wi	ill rely for	his or her testimo	ony.
PLACE: Employers Insurance Company of Wausau			DATE AND TIME:
2000 Westwood Drive, Wausau, WI 54401			July 5, 2005 at 2:00 p.m.
Any organization not a party to this suit that is subpoenaed directors, or managing agents, or other persons who consen matters on which the person will testify. Federal Rules of Control of the Control of Cont	t to testify	on its behalf, and	
ISSUING OFFICER'S SIGNATURE AND TITLE			DATE '
SCOTTA E. McFARLAND 919 North Market Street, 16 <sup>th</sup> Flr, Wilmington, DE 1	19899-870	05; (302) 652-4	100
ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMB	ER		

DDOOF	OF SERVICE
i	OF SERVICE
6/22 OS DATE	PLACE 2000 Westwood DRIVE, Wausau, Wy 5440/
SERVED: Employers Insurance Co. 00 SERVED ON (PRINT NAME)	Waysau Corporate
Elsworth Borchardt SERVED BY (PRINT NAME)	Private Detective
SERVED BY (PRINT NAME)	TITLE

### **DECLARATION OF SERVER**

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Proof of Service is true and correct.

Executed on

Rule 45, Federal Rules of Civil Procedures, Parts C & D:

#### (c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

- (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.
- (2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.
- (B) Subject to paragraph (d) (s) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to comply production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.
- (3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it
- (i) fails to allow reasonable time for compliance, (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c) (3) (B) (iii) of this rule, such a person may in order to attend

Trial be commanded to travel from any such place within the state in which the trial is held, or

- (iii) requires disclosure of privileged or other protected matter and or waiver applies. (iv) subjects a person to undue burden.
  - (B) If a subpoena
- (i) requires disclosure of a trade secret or other confidential research, development, or commercial information. (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
- (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in who behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

- (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.
- (2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

NAME: Employers Insurance Co of Wans au ADDRESS: 2000 Westwood Drive, Wansay Wisyroj TELEPHONE NUMBER: ()
NAME: Employers Insurance Co of Wansau
ADDRESS: 20 bo Westwood Drive, Wallsau, WIS4401
TELEPHONE NUMBER: ()
DIRECTIONS:
ACCEPTED BY: June 2005 Signature Title Date, 2005
Signature Title Date
Signature O 2 div
**************************************
_
Description of person accepting delivery: Sex: F. Race: W.
Apparent age: 35-45 Weight: 125-160. Height: 5'9-10".
Hair color: Brwn . Length: 1805 . Eye color:
Description of person accepting delivery: Sex: F Race: Weight: 45-160 Height: 5'9-10" Hair color: 18001 Length: 1805 Eye color: Moustache? Y No. ( ). Beard? Y No. ( ). Moustache? Y No. ( ).
Other identifying information:
Person was identified by: Own Admission: Other identification:
Type of I.D.: Number on I.D.:
Explanation of delivery attempts and / or mileage:

Case 01-01139-AMC Doc 8906-1 Filed 07/01/05 Page 18 of 25

## IN THE UNITED STATES BANKRUPTCY COURT

## FOR THE NORTHERN DISTRICT OF ILLINOIS

In re:	)	Chapter 11	
W. R. GRACE & CO., et al.	)	Case No.	MISC USBC for D.DE 01-01139 (JKF)
Debtors.	)	(Jointly Ad	lministered)
		SUBPOENA	FOR RULE 30(b)(6) DEPOSITION
TO: Maryland Casualty Company			
1400 American Lane, Tower 1 19th Floor Schaumburg, IL 60196-1056			
X YOU ARE COMMANDED to designate a representative	-		
Procedure, to appear at the place, date, and time specified b			
Company: (i) retained the law firm of Speights & Runya			
captioned bankruptcy cases; or (ii) otherwise authorized the			unyan to file a proof of claim on Maryland
Casualty Company's behalf in the above-referenced by	pankruptcy	cases.	
PLACE OF TESTIMONY:			DATE AND TIME:
Law Offices of Kirkland & Ellis LLP			7.1.4.0007000
200 East Randolph Drive, Chicago, IL 6060	1		July 1, 2005 at 2:00 p.m.
X YOU ARE COMMANDED, pursuant to Rules 26, 30(b) the witness bring copies of the following documents or object related to privileged attorney-client advice, if any, are not be	ects to the eing reque	above-reference ested):	d deposition (PLEASE NOTE that documents
(1) Any documents reviewed, after receipt of this Subpoena place pursuant to this Subpoena.	a, for purp	oses of preparing	g the witness for the deposition that is to take
(2) Any documents related to the retention of the law firm of otherwise representing Maryland Casualty Compa			
(3) Any documents that support or otherwise relate to any partitioned bankruptcy cases.	proofs of c	laim that Maryla	and Casualty Company filed in the above-
(4) Any and all other documents upon which the witness w	ill rely for	his or her testin	nony.
PLACE: The Offices of Kirkland & Ellis LLP			DATE AND TIME:
200 East Randolph Drive, Chicago, IL 6060	1		July 1, 2005 at 2:00 p.m.
Any organization not a party to this suit that is subpoenaed	for the tak	cing of a deposit	ion shall designate one or more officers,

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

SCOTTA E. McFARLAND

919 North Market Street, 16th Flr, Wilmington, DE 19899-8705; (302) 652-4100

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

PROOF OF SERVICE			
SERVED: G/21/05	VILIN DE 19801		
SERVED ON (PRINT NAME)	MANNER OF SERVICE		
MARYLAND CASUALTY CO	By HAND to JEFFREY WISHER AT 9:00 A		
SERVED BY (PRINT NAME)	TITLE		
FRANK JOYCE	Process Sewer		
DECLARA	TION OF SERVER		
I declare under penalty of perjury under the law contained in the Proof of Service is true and correct.  Executed on  DATE	SIGNATURE OF SERVER  ADDRESS OF SERVER  WWW DE 1990/		
Rule 45, Federal Rules of Civil Procedures, Parts C & D:			

## (c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

- (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.
- (2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.
- (B) Subject to paragraph (d) (s) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to comply production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.
- (3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it
- (i) fails to allow reasonable time for compliance, (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c) (3) (B) (iii) of this rule, such a person may in order to attend

Trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or (iv) subjects a person to undue burden.

#### (B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in who behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

- (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.
- (2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

	Case 01-01139-AMC	Doc 8906-1	Filed 07/01/0	5 Page 21 of 25	
	IN THE UNIT	ED STATES B	ANKRUPTCY	COURT	
	FOR THE	DISTRICT OF :	NORTH CARO	LINA	
In re:		)	Chapter 11		
W. R.	GRACE & CO., <u>et al</u> .	)		IISC	
	Dale	)		(SBC for D.DE 01-01139 (JKF)	
	Debtors.	)	(Jointly Admi	•	
$TO \cdot I_{\ell}$	efferson-Pilot Life Insurance (	Zommonii	SUBPOENA FO	OR RULE 30(b)(6) DEPOSITION	_
1	00 N. Green St., Greensboro, NC 27401	Company			
X you	ARE COMMANDED to designate a re	presentative, pursuar	nt to Rules 26 30(b)(	5), and 45 of the Federal Rules of Civil	_
Procedu	re, to appear at the place, date, and time	specified below for t	he purpose of testify	ng as to whether Tefferson-Pilot I ife	
msura	ince Company: (1) retained the law	firm of Speights & R	unyan to represent $J\epsilon$	efferson-Pilot Life Insurance	
Comp	any in the above-captioned bankruptcy	cases; or (ii) otherwi	ise authorized the law	firm of Speights & Runyon to file a proof	
of claim	on Jefferson-Pilot Life Insurar	ice Company's b	ehalf in the above-re	ferenced bankruptcy cases.	
PLACE ¢	OF TESTIMONY:			DATE AND TIME:	
Jeffers	on-Pilot Life Insurance Comp	any		DATE AND TIME:	
100 N	orth Green Street, Greensboro	, NC 27401		July 6, 2005 at 2:00 p.m.	
X YOU	ARE COMMANDED, pursuant to Rule	es 26, 30(b)(6), and 4	5 of the Federal Rule	s of Civil Procedure, to produce and have	-
mic with	ess bring copies of the following docum o privileged attorney-client advice, if an	ents or objects to the	above-referenced dea	position (PLEASE NOTE that documents	
(1) Any o place pur	focuments reviewed, after receipt of thi suant to this Subpoena.	s Subpoena, for purp	oses of preparing the	witness for the deposition that is to take	
(2) Any o	documents related to the retention of the representing Jefferson-Pilot Life	law firm of Speights	s & Runyan for the pu	urpose of filing a proof of claim or	
(3) Any dabove-caj	locuments that support or otherwise fela ptioned bankruptcy cases.	te to any proofs of c	aim that Jefferson-Pi	lot Life Insurance Company filed in the	
(4) Any a	and all other documents upon which the	witness will rely for	his or her testimony.		
LACE:	- Dil / Tio T			DATE AND TIME:	
	on-Pilot Life Insurance Comp				
100 NO	orth Green Street, Greensboro,	NC 27401		July 6, 2005 at 2:00 p.m.	
mectors,	nization not a party to this suit that is so or managing agents, or other persons w n which the person will testify. Federal	ho consent to testify	on its behalf and ma	all designate one or more officers, y set forth, for each person designated, the	
ISSUINC	GOFFICER'S SIGNATURE AND TITLE			DATE	
SCOTT 919 No	TA E. McFARLAND orth Market Street, 16th Flr, Wilming	ton, DE 19899-870	+ <b>/ &amp;</b> 4 <b>/</b> 05; (302) 652-4100	5/20/2005	
SSUING	OFFICER'S NAME, ADDRESS AND PHO	NE NUMBER			
	(See Rule 45 Feder	al Pules of Civil Proper	luna Parta C. O. D.		

	2:10 P.M PROOF OF	
	SERVED: RICHARD T. STANGE	PLACE 100 N. Greene Street Greensbord, N. 27401 Corporate
SERVED	ON (PRINT NAME)	MANNER OF SERVICE
SERVED	PATTI Mitchell BY (PRINT NAME)	Process Server
	DECLARATIO	
contain	I declare under penalty of perjury under the laws of ed in the Proof of Service is true and correct.  Executed on June 22, 2005  DATE	the United States of America that the foregoing information  SIGNATURE OF SERVER  6806 Renwick (H.  ADDRESS OF SERVER
Rule 45, I	rederal Rules of Civil Procedures, Parts C & D:	LILLYSboro, M. 2740
(1) A subpoena expense o subpoena attorney i is not limi	party or an attorney responsible for the issuance and service of a shall take reasonable steps to avoid imposing undue burden or na person subject to that subpoena. The court on behalf of which the was issued shall enforce this duty and impose upon the party or n breach of this duty an appropriate sanction which may include, but ted to, lost earnings and reasonable attorney's fee.	Trial be commanded to travel from any such place within the state in which the trial is held, or  (iii) requires disclosure of privileged or other protected matter and exception or waiver applies, or (iv) subjects a person to undue burden.  (B) If a subpoena
	A person commanded to produce and permit inspection and copying	

- (2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.
- (B) Subject to paragraph (d) (s) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to comply production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.
- (3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it
- (i) fails to allow reasonable time for compliance, (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c) (3) (B) (iii) of this rule, such a person may in order to attend
- (i) requires disclosure of a trade secret or other confidential research, development. ог commercial information, (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in who behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

- (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.
- (2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

## IN THE UNITED STATES BANKRUPTCY COURT

## FOR THE NORTHERN DISTRICT OF INDIANA

In re:	>	Chapter 11
W. R. GRACE & CO., et al.	<b>)</b>	Case No. MISC USBC for D.DE 01-01139 (JKF)
Debtors.	)	(Jointly Administered)
		SUBPOENA FOR RULE 30(b)(6) DEPOSITION

TO: The Fort Wayne Chamber of Commerce

826 Ewing Street, Fort Wayne, IN 46802

X YOU ARE COMMANDED to designate a representative, pursuant to Rules 26, 30(b)(6), and 45 of the Federal Rules of Civil Procedure, to appear at the place, date, and time specified below for the purpose of testifying as to whether The Fort Wayne Chamber of Commerce: (i) retained the law firm of Speights & Runyan to represent The Fort Wayne Chamber of Commerce in the above-captioned bankruptcy cases; or (ii) otherwise authorized the law firm of Speights & Runyan to file a proof of claim on The Fort Wayne Chamber of Commerce's behalf in the above-referenced bankruptcy cases.

PLACE OF TESTIMONY:

DATE AND TIME:

The Fort Wayne Chamber of Commerce 826 Ewing Street, Fort Wayne, Indiana 46802

July 11, 2005 at 9:00 a.m.

X YOU ARE COMMANDED, pursuant to Rules 26, 30(b)(6), and 45 of the Federal Rules of Civil Procedure, to produce and have the witness bring copies of the following documents or objects to the above-referenced deposition (PLEASE NOTE that documents related to privileged attorney-client advice, if any, are not being requested):

- (1) Any documents reviewed, after receipt of this Subpoena, for purposes of preparing the witness for the deposition that is to take place pursuant to this Subpoena.
- (2) Any documents related to the retention of the law firm of Speights & Runyan for the purpose of filing a proof of claim or otherwise representing The Fort Wayne Chamber of Commerce in the above-captioned bankruptcy cases.
- (3) Any documents that support or otherwise relate to any proofs of claim that The Fort Wayne Chamber of Commerce filed in the above-captioned bankruptcy cases.
- (4) Any and all other documents upon which the witness will rely for his or her testimony.

PLACE:

DATE AND TIME:

The Fort Wayne Chamber of Commerce 826 Ewing Street, Fort Wayne, Indiana 46802

July 11, 2005 at 9:00 a.m.

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers. directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

land (DE Box No. 4/84) "6/20/2005 919 North Market Street, 16th Flr, Wilmington, DE 19899-8705; (302) 652-4100

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

5907 Bluffaker Fort Wayne In 46809 - 260 - 479-1000 (See Rule 45, Federal Rules of Civil Procedure, Parts & & D on next page)

· · · · · · · · · · · · · · · · · · ·			
PROOF OF SERVICE			
SERVED:	PLACE 826 EwingSt Ft Wayne, IN 46802		
SERVED ON (PRINT NAME)	MANNER OF SERVICE		
Tina Hartman SERVED BY (PRINT NAME)	Office Manager		
SERVED BY (PRINT NAME)	TITLE		
Karen Tatum	Process Server		
DECLARAT	TION OF SERVER		
I declare under penalty of perjury under the laws contained in the Proof of Service is true and correct.	s of the United States of America that the foregoing information		
Executed on 6.22.2005	Karen & Tatum SIGNATURE OF SERVER SG07 Bluffton Road		
	ADDRESS OF SERVER		
Rule 45, Federal Rules of Civil Procedures, Parts C & D:	Ft. Wayne, IV. 46809		

### (c) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

JUN-27-2665

- (1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.
- (2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.
- (B) Subject to paragraph (d) (s) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpocus or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpocus written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpocus shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpocus was issued. If objection has been made, the party serving the subpocus may, upon notice to the person commanded to produce, move at any time for an order to comply the production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.
- (3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it
- (i) fails to allow reasonable time for compliance, (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c) (3) (B) (iii) of this rule, such a person may in order to attend

Trial be commanded to travel from any such place within the state in which the trial is held, or

(iii) requires disclosure of privileged or other protected matter and exception or waiver applies, or (iv) subjects a person to undue burden.

#### (B) If a subpoena

no

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quasitor modify the subpoena, or, if the party in who behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may

### (d) DUTIES IN RESPONDING TO SUBPOFNA

order appearance or production only upon specified conditions.

- (1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.
- (2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to mable the demanding party to contest the claim.